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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-sixth session

SUMMARY RECORD OF THE 501st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 October 1995, at 10 a.m.

Chairman: Mr. LARSEN (Denmark)

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GENERAL DEBATE (continued)

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The meeting was called to order at 10.25 a.m.

GENERAL DEBATE (agenda item 4) (continued) (A/AC.96/845, 847, 850, 851, 852 and 855)

1. Mr. BERNARD (France), having congratulated the officers of the Executive Committee on their election and having welcomed Bangladesh, India and the Russian Federation as new members, said that his Government fully associated itself with the statement made at the opening meeting by the representative of Spain on behalf of the States members of the European Union.

2. In the past months, UNHCR's effectiveness had been put to the test especially in the Great Lakes region of Africa and in the former Yugoslavia. UNHCR had provided assistance to more than 2 million refugees and displaced persons in the Great Lakes region, where its role as key actor had been eloquently attested in the crisis brought about by the decision of the Government of Zaire to send back refugees from Rwanda and Burundi. The series of visits made by Mrs. Ogata had helped the parties concerned to realize the urgency of the problems and France encouraged UNHCR to pursue its endeavours. However, the threat to regional stability posed by the presence of more than 2 million refugees made it essential to address the fundamental issues and the participants in the Bujumbura Conference had therefore called for a conference on peace, stability and development in the Great Lakes region. His country was convinced of the need for a comprehensive approach to the core problems and of the usefulness of convening the conference, which should produce specific commitments and follow-up machinery.

3. France had worked with UNHCR in the former Yugoslavia to provide relief for more than 3.5 million refugees, displaced persons and others affected by the war. The international community had been faced with a major problem in delivering humanitarian assistance and, because of difficulties of access, the needs of the civilian populations had not been adequately met, particularly in the spring of 1995. His country, with its large peace-keeping contingent and its participation in the Rapid Reaction Force, had contributed to UNPROFOR action, with French planes serving to provide airlifts to Sarajevo and Belgrade for UNHCR. While humanitarian action alone could not solve all conflicts, France shared UNHCR's concern to integrate humanitarian aspects into the future peace agreement, which must in particular assure refugees and displaced persons the right of return and free choice of place of resettlement.

4. Another difficult task for UNHCR was to prepare for the conference on migration in the Commonwealth of Independent States and neighbouring countries. France recognized the need for a comprehensive approach to the issues of population displacement in the region and encouraged the principle of the conference. However, the conference should not go beyond the objectives of the exercise and discuss political problems that might jeopardize the credibility of its work. Also, it should be guided by existing legal concepts and not create new ones specific to the area.

5. Crisis situations generating refugee flows called for a global response based on solidarity. The response had to be global because the international community needed to act at all three levels affected by the crisis: as a last

resort, after diplomatic and humanitarian efforts, it had to assure protection for persons fleeing their countries, when the situation did not allow such protection to be provided locally. The response must also be based on solidarity, requiring all members of the international community to act on those same three levels, each according to its capacity. That was the principle of "burden-sharing" as reflected in a decision adopted by the European Union on 25 September 1995.

6. France had always been receptive to appeals made by UNHCR to host people caught up in persistent conflicts, who left their countries en masse. As previously in the case of Vietnamese and Albanian nationals, it had decided to respond positively to UNHCR's call to host new refugees from the former Yugoslavia. He could therefore confirm that France was prepared to receive up to 500 persons in a phased manner that would enable them to be accommodated effectively.

7. His country was furthermore ready to participate in a common discussion on the best ways of ensuring that kind of protection when the 1951 Geneva Convention was inapplicable because the persons concerned were seeking temporary protection urgently, but expecting to return home as soon as possible, and because the persecution with which they were threatened did not generally meet the criteria of article 1A of the Convention. States therefore had to be able, within the framework of their national legislation, to provide other forms of protection on a case-by-case basis. Thus, France not only refused to send persons fleeing conflict situations back to their countries, but granted "territorial asylum", which included the right to stay and basic medical and social welfare coverage, as well as access to work and social benefits in particular cases. That approach was crucial in enabling people to take shelter without a long-term stay being envisaged in the host country and, at the same time, it signalled the will of the international community not to accept or contribute to acts of intolerance or ethnic cleansing. His delegation looked forward to participating in the discussion on that topic and considered that, even if the variety of situations made the establishment of an international instrument inopportune, the discussion would enable countries to compare their experiences and review their national policies.

8. In that essential discussion, the Executive Committee must not forget the role of the 1951 Geneva Convention. In that regard, one of France's priorities was to develop a harmonized policy with its European partners. A new element in that policy was the Schengen Convention, which contained provisions relating to the determination of the State responsible for considering an asylum request and guaranteeing that every asylum-seeker's application would be examined on its merits, thus eliminating the problem of "refugees in orbit". That fundamental issue deserved UNHCR's attention in the context of Conclusion No. 58 adopted by the Executive Committee at its session in 1989.

9. Mr. ZAHRAN (Egypt) noted that the High Commissioner had provided an exhaustive overview of UNHCR activities and proposed a new comprehensive plan to deal with the problems of refugees and displaced persons worldwide. Under the present international circumstances, which were placing further burdens and setting increasing challenges, there was a need for full coordination between UNHCR and other bodies of the United Nations system, including the

Centre for Human Rights and the Department of Humanitarian Affairs, as well as with the International Committee of the Red Cross and the International Organization for Migration. The exacerbation of crises and massive population displacements, notably in Rwanda and the former Yugoslavia, made such coordination all the more essential if the international community was to provide effective protection for refugees and secure their basic human rights.

10. His delegation had listened with interest to the introductory statement by the Secretary-General of the Organization of African Unity, which reflected the gravity and magnitude of the problem of refugees and displaced persons in Africa. Those problems were adversely affecting the economic and social development process on the African continent, where there were now more than 6 million refugees. In the past year, there had been positive developments towards a solution of some of the problems in several African States, such as Mozambique, Liberia and parts of the Horn of Africa. International and regional efforts needed to be redoubled, however, to resolve the crisis in Rwanda and alleviate the sufferings of its people. In addition to those killed, some 4 million refugees and displaced persons had become the victims of that tragedy. Enormous efforts had been made by the international community to relieve their suffering and UNHCR's action must be continued in coordination with other organizations of the United Nations system and international agencies to improve operational efficiency and maximize the use of all available resources for the return and reintegration of the refugees and displaced persons.

11. Egypt commended the role of the human rights observers in Rwanda and wished to see more observers appointed to assist in promoting respect for human rights. Further efforts should be made to ensure that all war criminals were brought to justice and to provide the necessary conditions for refugees and displaced persons to return to their homes, thereby reducing the pressure on neighbouring States that resulted from the persistent crisis.

12. The Executive Committee had already heard an important statement by the representative of Zaire. Egypt, for its part, was continuing to work to alleviate the suffering of the people of Rwanda by offering the services of physicians and sending medical supplies.

13. Three resolutions concerning refugees had been adopted at the thirty-first session of the OAU in Addis Ababa in June 1995. One related to the holding of an international conference on refugees and displaced persons in cooperation with the OAU, UNHCR and other United Nations bodies; a second concerned refugees, displaced persons and returnees in Africa; and the third related to the holding of a regional conference to assist refugees, returnees and displaced persons in the Great Lakes region. Egypt hoped that cooperation between UNHCR and the OAU could be consolidated to ensure the necessary coordination for tackling refugee problems. The presence of the Secretary-General of the OAU at the current session would certainly contribute to that end. It was also important to ensure the implementation of the tripartite agreement between Rwanda, Tanzania and UNHCR for the return of refugees and the plan of action adopted at the Bujumbura Conference.

14. Egypt wished furthermore to express its appreciation for UNHCR's work as the humanitarian lead agency in alleviating suffering in the Balkans.

International political efforts had brought positive results making it possible to reduce tension and improve the situation of the civilian population and of Bosnian refugees, especially since 12 October, when a cease-fire agreement had come into force and the shelling of civilian targets had stopped. That process must continue and Sarajevo airport should be reopened for the delivery of relief supplies, thus facilitating UNHCR's task. Egypt hoped that all the parties, and especially the Bosnian Serbs, would honour their commitments and allow refugees and displaced persons to return to their homes.

15. International efforts had likewise brought optimism regarding a just political settlement in the near future. Egypt welcomed UNHCR's declared readiness to discharge its responsibilities in the process of giving effect to the peace agreements, where its implementing role would be no less important than the vital mission it had undertaken during the period of armed conflict in Bosnia and Herzegovina. Action should also be taken to bring war criminals speedily to justice so that the populations could return home and live together peacefully. For those unable to return, compensation should be made available for the losses they had incurred.

16. Egypt was continuing to provide humanitarian assistance to the war victims in Bosnia and was preparing to send new supplies to assist the Bosnian refugees in Tuzla and Bihac. The Egyptian people had responded generously to the campaign conducted by the national Red Crescent Society and arrangements were being made with the competent authorities for the supplies to be sent.

17. In conclusion, he commended the OAU Convention governing the Specific Aspects of Refugee Problems in Africa as a practical model for addressing the problem of refugees, particularly on the African continent. He also drew attention to the declaration on the protection of refugees and displaced persons in the Arab world prepared by a group of Arab experts meeting in Cairo in 1992. He hoped the declaration would be adopted and ratified by all Governments. The San Remo Declaration on respect for international humanitarian law also contained several recommendations of relevance to UNHCR's work and mandate and he hoped that those recommendations would be implemented.

18. Mr. NARAY (Hungary) said that he wished to pay tribute to the High Commissioner for her courageous leadership and uncompromising optimism in meeting the challenges of the largest refugee flows ever to confront the international community. As lead agency in international humanitarian assistance, UNHCR was continuing to implement the High Commissioner's strategy covering preparedness, prevention and durable solutions.

19. Curbing the current wave of mass forcible displacements meant addressing their root causes and strengthening international preventive efforts. Hungary firmly shared the High Commissioner's view that human rights violations were a major cause of the refugee phenomenon. That was the main lesson to be drawn from the four-year armed conflict in the former Yugoslavia. Measures to prevent, and political initiatives to settle, crisis situations had to be taken by the Governments that could do the most in their respective countries. International efforts and external humanitarian assistance had a complementary role, but did not diminish the responsibilities of the Governments involved.

20. More attention should be paid to prevention, including the use of existing mechanisms for international protection of human rights and for early warning of crisis situations. Prevention, however, also meant ensuring personal security and urgent humanitarian assistance for uprooted civilians. Hungary particularly welcomed efforts to strengthen collaboration with UNHCR and the increasing reliance on the United Nations human rights machinery to implement a sustainable humanitarian strategy for prevention, assistance and durable solutions. The High Commissioner's concept of a continuum from relief to post-conflict rehabilitation should help to promote viable reintegration in the process of social and economic recovery, which must be accompanied by longer-term efforts aimed at reconciliation and at restoring the rule of law, including institution building and rehabilitation.

21. In the context of massive population displacements and genocide, his country welcomed the establishment of the international tribunals as an effective means of bringing to justice those responsible for grave and massive human rights violations such as in Rwanda and the former Yugoslavia.

22. For the vast majority of refugees and displaced persons, voluntary repatriation in safety and dignity would be the most appropriate long-term solution. For many, however, voluntary return was a faint hope and temporary protection by host countries seemed in those cases to be the only possibility of survival, but such protection should indeed be temporary, giving UNHCR and the international community time to work out the modalities for voluntary repatriation. The principle of non-refoulement was a corollary to fundamental human rights principles and all States had a duty to uphold it. Hungary would continue to provide temporary protection for refugees staying in its country until UNHCR was ready to facilitate their repatriation, with the hope that conditions for their voluntary return would soon be met.

23. The tragedy in the former Yugoslavia, and especially in Bosnia and Herzegovina, was of grave concern to Hungary, which was continuing to give shelter to thousands of people fleeing war, ethnic cleansing, persecution and intimidation. Hungary was also gravely concerned that, in its immediate neighbourhood, the temporary settlement practices applied to Serbian refugees from the Krajina region adversely affected the Croatian and Hungarian minorities in Voivodina by upsetting the historic ethnic composition of the population. That practice was contrary to international law, particularly when conducted through force and intimidation. The settlement of refugees should avoid endangering the survival of ethnic communities and should ensure respect for the human rights and fundamental freedoms of all citizens, including minorities. Aware of the complex refugee situation and guided by humanitarian principles, his country had recently provided urgent humanitarian relief for refugees from the Krajinas.

24. Cooperation had been established between UNHCR and the Organization on Security and Cooperation in Europe (OSCE) to meet the challenges of the refugee situation. Joint efforts by the Hungarian Chairman-in-Office and the High Commissioner had resulted in a genuine relationship at both the political and the operational levels. The new consultative mechanism of target-oriented meetings had provided for regular dialogue and linkage between the prevention and conflict resolution processes and humanitarian operations. It was, however, essential that the OSCE mission to Kosovo, Sandjak and Voivodina

should resume its activities in accordance with the relevant Security Council resolution. OSCE could act as a strong partner of UNHCR in monitoring and reporting on the situation in the country and assisting in the reconciliation process at the post-conflict stage, promoting democratic institutions and the observance of human rights - including protection of national minorities and facilitation of the voluntary return of refugees.

25. There were now more than 8,000 persons from the former Yugoslavia enjoying temporary protection in Hungary, some 3,300 being in receiving centres and the rest accommodated privately. Between 1 July and 31 August 1995, temporary protection had been granted to more than 2,000 persons. It had recently become necessary to open a new receiving centre at Debrecen for more than 800 persons, mainly from Bosnia and Herzegovina. In all, his country had already received more than 1,000 Bosnian refugees in response to the special UNHCR appeal launched on 28 July 1995.

26. Funds allocated in 1995 by his Government for refugee accommodation and assistance totalled Ft 1 billion, of which about 60 per cent covered the costs of running refugee centres. UNHCR's total contribution from 1 June to year-end would reach US$ 1.9 million, part of which would be channelled directly through selected Hungarian NGOs. UNHCR's financial contribution in 1995 served principally to increase the monthly allowance distributed through local authorities only to privately accommodated refugees. Hungary's objective was to strengthen the capacity of refugees to become self-sufficient, irrespective of whether they would return home or stay in Hungary. Any UNHCR funds not utilized for that purpose would probably be channelled to the care and maintenance of the increasing number of refugees either accommodated privately or in centres.

27. In conclusion, he commended the noble efforts of UNHCR and other humanitarian organizations, NGOs, private charity organizations and their devoted staff who were bringing relief to millions of needy people in emergencies.

28. Mr. YONGJIAN (China) congratulated the Chairman on his election and welcomed the new members of the Executive Committee. He also thanked the High Commissioner for her instructive introductory statement.

29. Despite the tremendous efforts made by UNHCR and the international community and, although millions of refugees had returned home, the total population of concern to UNHCR was still 28 million. New, large-scale refugee movements had made the situation in many places even worse.

30. The Chinese Government had always maintained that, while refugees had to be given humanitarian protection and assistance, the root causes of the refugee problem had to be eliminated. Peace and development were the preconditions. At the international level his delegation advocated the principles of equality, mutual benefit, peaceful coexistence, the peaceful settlement of disputes and the establishment of a fair, equitable new international order. The economic and social development of developing countries should likewise be fostered.

31. Although the countries of Asia, Africa and Latin America were far from well off and were struggling to develop their economies, out of humanitarianism, they had taken in the majority of refugees in the world. China had always believed that international solidarity and shared responsibility should be the essential principles guiding the solution to the refugee problem. The entire international community should therefore continue to show its generosity by helping the developing countries, which had borne heavy economic burdens and social pressure, in their efforts to help refugees return home. Refugee problems, both old and new, should not be neglected.

32. Save in one region where the repatriation of non-refugees had been delayed owing to interference, the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA) had been progressing smoothly and should be completed in 1995. Effective measures should be taken to ensure that it was.

33. China believed that UNHCR should continue to adhere to its non-political, humanitarian principles and pursue its praiseworthy, unremitting efforts to alleviate the plight of the increasing number of refugees and displaced persons all over the world.

34. Since 1979, the Chinese Government had devoted substantial resources to the protection of 280,000 Indo-Chinese refugees in China. No durable solution to the problem had yet been found. China would give all possible assistance, with UNHCR's help, to arrange for those refugees to return home at an early date in safety and dignity and trusted that the countries of origin would discharge their responsibilities. It would also help refugees who wished to remain in China integrate into local communities. It would implement a naturalization programme in due course. It looked forward to continued assistance from the international community and UNHCR in that process.

35. As a token of its ongoing support for the efforts of UNHCR and the High Commissioner and in order to strengthen cooperation and facilitate the honouring of its humanitarian obligations the Chinese Government had agreed to upgrade the UNHCR mission in China to a branch office.

36. Mr. GYGER (Switzerland) drew attention to the need to implement the 1951 Convention and the 1967 Protocol and to reject any attempts at ethnic cleansing. Recent developments in the former Yugoslavia were hopeful signs that a peace settlement might be in the offing. It would have to take account of humanitarian issues, including immediate short-term needs and medium-term assistance with housing. Durable solutions had to be considered in order to promote the coordinated return of a large number of refugees and displaced persons in safety and dignity.

37. Switzerland would continue to take part in humanitarian efforts in those areas and to finance UNHCR programmes. It was also providing direct assistance through the Swiss Disaster Relief Corps, which would continue its rehabilitation and building programmes in Bosnia, Croatia and the Federal Republic of Yugoslavia.

38. The second crisis was in the Great Lakes region of Africa. Switzerland recognized the heavy burden which the presence of millions of refugees placed on the local population of the host countries in that region. Coordinated

efforts were vital in order to facilitate the refugees' return to their countries of origin in safety and dignity and to that end, it was essential to establish a climate of confidence based on respect for human rights, the rehabilitation of the judicial system and the improvement of social and economic reception facilities. He called for closer coordination among all concerned and the implementation of the Plan of Action adopted at the Bujumbura Conference.

39. Given the continuing existence of emergency situations in Africa requiring action by UNHCR, the financial resources devoted to that continent were entirely inadequate. That not only made it more difficult to supply assistance, but might also create dangerous gaps with regard to the protection of refugees and displaced persons. Attention should be given to that problem in the coming months.

40. As far as policy on international protection was concerned, the Swiss Government was of the opinion that priority should be given to regional solutions. National legislation had to be harmonized at the regional level to serve as a basis for reception strategies.

41. He had doubts about the effectiveness of overall guiding principles because codified rules might create a system that would prove too inflexible to cope with different kinds of mass exodus. A more practical, flexible regional instrument would be a more effective response.

42. In the past, UNHCR had played an active role in efforts to find regional solutions and was still doing so with regard to refugees, returnees and displaced persons in the CIS and neighbouring countries. IOM and OSCE were helping UNHCR in its efforts to gain a better understanding of the underlying causes of migratory flows and how to manage and prevent them more effectively. In that connection, he welcomed the excellent work being done by the secretariat of the Regional Conference which was to be held in 1996 and which should lead to the implementation of measures to prevent and control migration in the CIS region.

43. He also encouraged UNHCR to pursue its commendable efforts to help stateless persons.

44. Switzerland was pleased that UNHCR had consistently increased its operational emergency preparedness and response capacity. The creation of service packages had made good progress and UNHCR was to be commended on the excellent cooperation it had established with the Department of Humanitarian Affairs. The principle of complementarity had to be fully respected in that regard. Switzerland therefore urged UNHCR to continue the dialogue with its partners, particularly NGOs, and to help them improve their emergency response capacities despite administrative stumbling-blocks. UNHCR should maintain its policy of using local resources whenever possible and operational difficulties should not prevent it from considering ways of improving its relations with its implementing partners.

45. Switzerland congratulated UNHCR on the important contribution it had made to preparations for the recent fourth World Conference on Women, which had adopted a number of recommendations on refugee women. UNHCR had helped to

heighten general awareness of their specific problems and could take credit for having prepared the very useful guidelines referred to in the Beijing Declaration and Platform for Action. Human rights had to be secured to all refugees, especially women and children. The Beijing Conference had also recommended that women refugees should be consulted more on decisions concerning them. UNHCR had to take account of that important aspect in pursuing its commitment to women refugees.

46. He was pleased to note that the High Commissioner intended to improve UNHCR's management, boost its productivity and reduce costs.

47. In conclusion, he paid tribute to the courage and self-sacrifice of all those who often risked their life in order to help refugees. Like other humanitarian institutions, UNHCR was frequently faced with the problem of the safety of its staff in situations of open conflict. The personal commitment of the High Commissioner and her staff was a shining example and the Swiss authorities were determined to continue their support in the current difficult period.

48. Mgr. TABET (Holy See) said that his delegation had been greatly interested by the Note on International Protection (A/AC.96/850) and wished to draw attention to the need for further study of new principles for action in the event of mass influxes of refugees, so that States would be more committed to providing protection to those who needed it, without discrimination. The first principle should be that temporary protection should be given to prevent de facto refoulement and delays in the determination of refugee status. Well-trained staff were needed to ensure that refugee status was awarded fairly, and not according to political whims. The second principle was that the international community must take effective steps to assist internally displaced persons, the least protected category of refugees.

49. His delegation supported UNHCR's efforts to increase international protection against the background of the restrictive interpretation sometimes placed on the 1951 Convention and the 1967 Protocol, especially on the provision relating to "a well-founded fear of persecution", and to study practical ways of strengthening and clarifying the foundations of such protection.

50. In view of the alarming situation in which many refugees and displaced persons, especially women, children and the elderly, found themselves and the difficulties of ensuring not only their protection, but also their survival, more was needed than mere accession to the relevant international instruments; first and foremost States had to honour the commitments they had entered into at the time of accession. However, even that was not enough. Assistance, prevention and repatriation in safety also required global cooperation and burden-sharing at the regional level.

51. Clearly, social, economic or political factors could influence the actual response of States and their ability to take in refugees. Nevertheless, principles and measures designed to increase protection would be illusory without the political will of States.

52. It would therefore be important to have a more accurate picture of needs if the international community was to be persuaded to contribute to the requisite practical solidarity and to show the necessary resolve, without which UNHCR could not operate efficiently.

53. More effective protection was a major challenge. In view of the dangers threatening the lives of human beings, those in charge of protection needed mandates worked out with UNHCR which would enable them to end dramatic situations and thus prevent a massacre and an exodus. He wondered whether the current confusion between the military and humanitarian sectors could have been avoided if terms of references had been clearer.

54. Rehabilitation, reconstruction and reconciliation were necessary in the refugees' countries of origin if repatriation was to be truly voluntary. The information campaigns referred to in the Note on International Protection would be meaningful only if returning refugees were advised and accompanied by international observers until their safe settlement was guaranteed.

55. The obvious purpose of peace-keeping efforts after a conflict was to establish an effective system of human rights, institutions guaranteeing the rule of law, including an independent judiciary, and a responsible system of public administration.

56. Impartial justice was the cornerstone of reconciliation and the establishment of genuine peace. Thorough reconciliation also required the active participation of persons whose fundamental rights had been infringed. His delegation supported the efforts being made by the United Nations to arrive at internationally negotiated and approved measures concerning States which not only produced refugees and internally displaced persons, but which continued to disregard basic protection measures.

57. The Holy See and the entire Catholic community throughout the world was deeply devoted to the cause of refugees and was endeavouring to alleviate the sufferings of victims and to solve the many day-to-day problems raised by the tragic situations with which the international community had to deal.

58. It was comforting to note that the world looked at those situations with compassion and that there were so many magnificent examples of human solidarity. He hoped that that solidarity would be strengthened so that the world could meet the challenge it faced. That solidarity was a source of hope and peace for all of mankind.

59. Mr. KOLOSSOVSKY (Russian Federation) said that the situation of involuntary movements of people in the territory of the former Soviet Union was one element of the world's current refugee crisis. His Government's increased cooperation with UNHCR during the past three years had helped the international community understand the prospects for a comprehensive solution to involuntary migration problems in the region of the Commonwealth of Independent States (CIS). Major steps had been taken in summer 1995 to implement the recommendations made at the Executive Committee's last session on the proposed regional conference on the problems of refugees and other migrants in the CIS and neighbouring States. UNHCR, together with the International Organization for Migration (IOM) and the Organization on

Security and Cooperation in Europe (OSCE), should turn towards the real problems of the region, endeavouring to find innovative approaches to the involuntary mass influx of refugees and combining international efforts with national measures.

60. His Government was taking many steps to protect refugees and involuntary migrants, including under the auspices of the Federal Migration Service. It took practical steps to comply with its obligations under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. It had established a legislative basis, a mechanism for determining status, infrastructure, a system of territorial bodies within the Federal Migration Service and immigration control. Some 1,500 applications for asylum had been considered over a period of a year and a half, with the status of more than half a million immigrants in the territory of the Russian Federation to be determined in the near future.

61. Another challenge was to provide assistance to the involuntary migrants who had moved to Russia from the CIS countries, estimated to number nearly 2.5 million. Providing for their needs and for their temporary and permanent accommodation placed a heavy burden on the federal budget and social infrastructure. It was estimated that their numbers would reach 3.5 million by the end of the century.

62. The third problem was internally displaced persons, who had had to leave their homes as a result of emergency situations and conflicts. In Chechnya alone, there were up to 400,000 such persons, including 100,000 children. The problem of transit migrants was also painful for the Russian Federation. Unfortunately, the efforts to accommodate them in third countries had not met with positive results. He hoped that the UNHCR mandate would serve as a basis for ensuring the success of such efforts.

63. With regard to the situation in the former Yugoslavia, his Government welcomed the statement made by the President of the Security Council on 3 October 1995 and confirmed the inadmissibility of the forced return of refugees, which would be in violation of the fundamental principle of non-refoulement contained in the 1951 Convention. He stressed the need for providing refuge to all people in flight, irrespective of their origin, and supported UNHCR's efforts to elaborate a strategy of return and reintegration of refugees and displaced persons within the framework of its post-peace settlement activity in the former Yugoslavia. UNHCR must enhance its emergency preparedness potential. During the past two years, EMERCOM, a Russian Government agency, had contributed to UNHCR operations in Rwanda, the former Yugoslavia and the northern Caucasus and the scope of that cooperation might be extended. The recently created national emergency humanitarian response corps could be useful for that purpose. Russia stood ready to increase its cooperation with UNHCR on its priority programmes and activities, particularly in the former Yugoslavia and in Central Africa. The use of human rights monitoring to prevent and avert crisis situations should be enhanced in order to allow for the early planning of UNHCR humanitarian actions.

64. Mr. TABESH (Islamic Republic of Iran) said that the majority of refugee caseloads now appeared in the world's less developed countries. The root causes of the refugee problem were war, social inequities, weak and fragile

socio-economic infrastructures and the increasing development gap. The unprecedented increase in refugee numbers demonstrated the inadequacy of existing approaches, instruments and resources of the international community to address the issue. The phenomenon should be tackled from a different angle in the light of present circumstances and an appropriate solution should be found.

65. Iran proposed the establishment of an open-ended working group, consisting of Executive Committee member countries, to deal with all the root causes of the refugee problem. Secondly, the international nature of the refugee problem should be defined more broadly in the light of the principles of international solidarity and burden-sharing, which bound all members of the international community to take joint responsibility for refugees in order to lessen the burden on the developing world. As stated in the 1951 Convention, "the grant of asylum may place unduly heavy burdens on certain countries" and yet international cooperation to ease that situation had not been fully achieved. The countries receiving thousands of refugees were being given only limited international assistance. The UNHCR secretariat should prepare a report on the real needs of refugees in today's world and on the international resources actually made available for them. Such a report could serve as the point of departure for an assessment by the international community of its responsibility and functions.

66. Thirdly, it was always useful to view the whole set of international instruments on refugees in the light of prevailing circumstances and realities. All the factors that forced people to leave their homelands should be analysed comprehensively and a lasting solution sought. His Government also proposed that the participation of NGOs should be intensified to bridge the gap between refugee needs and international resources; that active participation in the reconstruction of economic infrastructures should be promoted where poverty and the lack of development had given rise to new influxes; that there should be greater flexibility in the use of international resources for refugee host countries; and that voluntary repatriation should be encouraged.

67. The fact that, over the past several decades, his region had been a source of major influxes of refugees, particularly to Iran, had created a number of new financial constraints on his country, introducing new demands on the already scarce resources available for post-war reconstruction. Afghanistan and Iraq were faced with various domestic and international crises and their populations were encumbered with enormous problems arising from conflicts, which led to a desire to take refuge in neighbouring countries. Recent fighting among various factions in Afghanistan had resulted in the closure of all existing border stations in the south-west, especially in Harat, Farah and Nimrouz provinces, through which the Afghan refugees had been repatriated. As a result, the repatriation operation, which had been based on the agreement of the Tripartite Commission comprising Iran, Afghanistan and UNHCR, had almost ceased, and only 140,000 refugees of a projected 500,000 had been repatriated. As the 1995 repatriation programme had not met its target, the proposed 1996 budget for General Programmes should be reviewed so as to respond effectively to the emerging needs of Afghan refugees in Iran. Efforts should also be made to establish a flexible modality for using resources

allocated to the repatriation programme for care and maintenance under the General Programmes. It was also important to prepare contingency plans for a potential new influx of millions of refugees in the region.

68. Iran had been host to more than 4.5 million refugees over 16 years. Refugees in Iran were not confined to refugee camps and were also provided with shelter, employment, education and health care. In addition to providing for the refugees' basic needs, the country had also paid a great price as a result of the environmental degradation of areas where refugees had been given shelter; the 700,000 employment opportunities of which Iranian citizens had been deprived; annual expenditures of some $700 million on refugees, either directly or indirectly; problems arising from the dual citizenship enjoyed by some refugees; the illegal transfer of foreign currencies; and drug trafficking. Although about half the refugees had voluntarily returned to their homelands, almost 2.1 million of them were still in Iran, putting that country high on the list of host countries. At present, there were 1,456,302 Afghan refugees and 598,750 Iraqi refugees in Iran. Since the start of the repatriation operation, 1,327,798 Afghan refugees had returned to Afghanistan, 554,717 of whom had received assistance from UNHCR and the World Food Programme (WFP). In addition, Iran hosted about 48,000 displaced persons of other nationalities.

69. Despite the limited international assistance available to refugees in Iran, the Government had done its utmost to discharge its moral responsibilities towards them. Among its concerns were that UNHCR's assistance to refugees in Iran was not proportionate to the number of refugees and the diversity of their needs. Accordingly, the proposed annual budget for Iran should be reviewed. The international community should spare no efforts to bring peace and stability to Iran and the necessary priority should be given to restoring basic services and reconstructing the economic infrastructure of Afghanistan so as to facilitate the repatriation process. Preventive policies should also be formulated in order to address the root causes of the refugee problem.

70. His Government had always welcomed the participation of NGOs in the alleviation of the human suffering of refugees, but despite its readiness, its call for partnership had not received a substantive positive response. Iran welcomed any initiative to hold a regional conference on solutions to the refugee problem in south-west Asia and central Asia. There were many refugees in Iran who sought resettlement in European countries. His Government hoped that, based on the notion of burden-sharing, their requests would be positively reviewed. UNHCR should also request European countries to receive some of those refugees.

71. Mr. MEGHLAOUI (Algeria) said that there were lessons to be learned from UNHCR's experiences, notably in Rwanda and the former Yugoslavia, about its assistance and response capacity. Such an exercise should be undertaken with the necessary caution so as to reach conclusions and possible decisions in the service of the humanitarian cause, which it was essential to protect from any sort of manipulation.

72. In the light of the tragedies in those countries, ideas had been put forward for preventive diplomacy mechanisms and an early warning system. It had also been suggested that the High Commissioner's functions could be strengthened; that a direct link should be established between peace-keeping operations and questions of refugees and displaced persons; and that there should be free access to the areas where refugees and displaced persons were living. While all those ideas were important and merited attention, they should receive in-depth consideration before the Executive Committee could decide on their suitability. By way of example, he referred to the notion of prevention, which would take the form of a set of preventive measures against particular risks. Who would evaluate the risks, however? With what parameters? Would the evaluation be carried out at the national, regional or international level and on the basis of what agreement? How could it be ensured that the operation would not have an adverse impact, such as frightening the population, thereby aggravating one or several of the risks that attempts were being made to avoid? The best preventive measure was still development. Once populations had opportunities and once they had work and were able to provide for their own needs, they would not suddenly lose the will to live together, only to launch themselves into undertakings that always led to tragedy.

73. Basic humanitarian rights must be respected and each State must help the High Commissioner in fulfilling her mandate with regard to international protection, and that meant finding durable solutions to the problems of refugees. In that regard, the best possible durable solution was incontestably voluntary repatriation, in dignity and safety or, in other words, resettlement and reintegration of refugees in their country and place of origin. He wondered whether the basis on which UNHCR exercised its right of international protection was sufficient or whether it should be broadened. Even if that were desirable, however, the idea would not be practical in the current international situation, which was characterized by a tendency to fall back on existing legal instruments and interpret them strictly. Even temporary protection was subject to risks that had already demonstrated its limits. UNHCR's international protection regime must be maintained. In no case should it be subject to manipulation for non-humanitarian purposes. Populations displaced within their own territory remained under the protection of their State. Internal conflicts were too complex for UNHCR to get involved in them without taking precautions, the foremost of which were to obtain the approval of the authorities of the country concerned for any undertaking and to obtain their cooperation so as to ensure success.

74. In the same vein of wishing to protect the international protection regime and the right of asylum from any manipulation for non-humanitarian ends, he drew the Executive Committee's attention to the abusive exploitation of certain situations to encourage the exile of intellectuals and valuable executives. Apart from the fact that that practice introduced selectivity into the granting of the right of asylum, it was harmful to the countries thus deprived of human resources that were greatly needed for development. There was a propensity among certain countries to grant the right of asylum very easily, if not too easily, to persons wanted by the law and who had often been convicted by their countries of criminal acts.

75. Algeria would continue to provide assistance to persons seeking refuge in its territory. UNHCR should increase the assistance granted to Saharan refugees in order to meet their vital needs. The legitimate national aspirations of the people of Western Sahara could never be snuffed out. The international community should mobilize itself to mitigate their sufferings and exert the necessary pressure on the occupying Power to begin direct negotiations without delay. As to the displaced persons from Mali and Niger who were currently in southern Algeria, he was happy to announce that the situation had greatly improved. The Algerian authorities had built and outfitted four reception centres in the prefectures of Tamanrasset, Adrar and Illizi. Several thousand persons had already moved to those centres, which met internationally-accepted standards. The Tripartite Commission on repatriation, comprising Algeria, Mali and UNHCR, had decided to organize a pilot repatriation programme for around 1,200 to 1,500 persons. The Algerian authorities, the Algerian Red Crescent and the National Foundation for the Promotion of Health and the Development of Medical Research had been ready to begin the repatriation operation in September, which was the best season because of the state of the pasture land, given that the persons concerned were herders. He hoped that UNHCR would be able to complete the required formalities so that the operation could begin without delay.

76. Mr. KHALID (Pakistan) congratulated the new members of the Executive Committee, Bangladesh, India and the Russian Federation, on their election and said that his delegation was proud of the outstanding contribution made by Mr. Kamal as Chairman of the Executive Committee at its last session. He also commended the High Commissioner on the comprehensive account of the world's refugee situation which she had provided in her introductory statement.

77. The Executive Committee was well aware that Pakistan had been extending full moral and material support to the 1.5 million Afghan refugees on its soil, a task that would have been impossible without the humanitarian assistance of the donor community, channelled principally through United Nations agencies. However, Pakistan's task was made more difficult by the discontinuation of the World Food Programme's distribution of food assistance and the phasing out of the care and maintenance operation by UNHCR. It was unrealistic and illogical to link humanitarian assistance to self-reliance and nutritional level and he reiterated his Government's firm conviction that the Afghan refugees remaining in Pakistan deserved international assistance until their voluntary, honourable and planned repatriation to their homeland.

78. The durable solution to the problem of the Afghan refugees lay in their early return to their homeland. However, not only was the pace of repatriation from Pakistan discouragingly slow, but 200,000 new refugees, 70 per cent of whom came from peaceful areas adjacent to Pakistan's border with Afghanistan, had recently arrived. He urged the international community not to be misled by a mistaken belief in the absorptive capacity of Pakistan's economy, but to focus its efforts on encouraging the return of refugees, whose continued presence, in conjunction with reduced assistance, could lead to a social upheaval with serious consequences for Pakistan's economy and society.

79. The Government of Pakistan fully supported UNHCR's efforts at reconstruction and rehabilitation in the peaceful areas of Afghanistan. Those

efforts were essential to create conditions for the repatriation of refugees, although they should not be financed by reducing humanitarian assistance for Afghan refugees still living in Pakistan. There had to be a logical link between reconstruction activities in Afghanistan, repatriation of refugees and the reduction of humanitarian assistance.

80. Enormous ecological damage had been caused in Pakistan by the prolonged presence of millions of Afghan refugees, as early as 1989-1990, a UNDP survey had estimated the cost of rehabilitating some areas at US$ 208 million. The failure of the donor community to provide the requisite financial assistance meant that the damage was increasing every day. In that connection, he expressed Pakistan's gratitude for the income-generating projects carried out under the aegis of the World Bank in the affected areas, although that modest effort was coming to a close and the Government of Pakistan looked to UNHCR for financial support to ensure its continuation. The creation of peaceful conditions inside Afghanistan, in which UNHCR could play a role by motivating the donor community to provide the necessary resources for reconstruction and rehabilitation, was the surest way of promoting the repatriation and speedy rehabilitation of Afghan refugees not only from Pakistan, but also from Iran.

81. His Government appreciated the international humanitarian assistance provided through UNHCR, although it was convinced that a drastic reduction in or capping of that assistance would be premature and might be reconsidered. He urged UNHCR and WFP to continue their care, maintenance and feeding programme for the Afghan refugees in Pakistan until their voluntary repatriation. He also called for sufficient funds for the rehabilitation of the areas that had suffered ecological damage as a result of the presence of refugees and appealed for efforts to create peaceful conditions inside Afghanistan to promote the speedy rehabilitation and mass repatriation of Afghan refugees, in conjunction with a strategy to encourage the repatriation of refugees from peaceful areas adjacent to the Pakistani border. He also urged that priority should be given to rehabilitating the internally displaced Afghans located in camps close to the Pakistani border in their home town, in order to reduce the likelihood of fresh arrivals of refugees in Pakistan.

82. The conflict in Afghanistan had been the last encounter of the cold war. While responsibility for establishing peace lay with the Afghans themselves, the world community was under a moral obligation generously to respond to the plight of the people of Afghanistan, in particular of the Afghan refugees, to help them rebuild their shattered lives and their war-torn country. He was confident that the international community would continue to play its generous role until all Afghan refugees had returned to their country in honour and dignity.

83. Mr. MAELAND (Norway) expressed his Government's deep appreciation to the High Commissioner and her staff for their work and extended a welcome to Bangladesh, India and the Russian Federation as new members of the Executive Committee. It was a paradox of the times that global challenges continued to grow while the United Nations family of organizations was being asked to do more with fewer resources. The scope of the global challenges was nowhere more evident than in the huge rise in demand for humanitarian operations during the first half of the 1990s.

84. The Executive Committee was meeting against a background of both good news, exemplified by the hopes of peace in the tragic conflict in Bosnia and Herzegovina, where humanitarian operations had saved the lives of millions, and bad news, typified by the failure to settle existing conflicts such as that in the Great Lakes region of Africa and in the former Yugoslavia. The number of persecuted and impoverished human beings continued to grow while the complexity of humanitarian operations, in conjunction with the financial crisis of the United Nations, meant that humanitarianism was returning to its basic task of protection, the need for which was nevertheless expanding. His delegation had listened with interest to the High Commissioner's lucid and convincing presentation of the challenges which faced her Office and were also the challenges of the international community. Norway was proud to work closely with the High Commissioner, her staff and other interested delegations to improve the management and governance of UNHCR.

85. The High Commissioner had emphasized the important links between preparedness, prevention and solutions, which necessitated comprehensive approaches some of whose facets often required action beyond the domain of UNHCR, although humanitarian action could also be an important confidence-building measure. UNHCR's primary contribution should be of a catalytic and collaborative nature, embracing political mediation, human rights efforts and participation in peacekeeping, to which Norway had contributed and in which UNHCR had been an invaluable partner.

86. He emphasized the importance of access in humanitarian action and called on all parties to conflicts to respect international humanitarian law and to enable UNHCR to facilitate its humanitarian effort to help people in need. Respect for human rights by the country of origin was of paramount importance in addressing the root causes of refugee movements and his delegation appreciated the High Commissioner's continued efforts to raise awareness of protection issues in human rights fora.

87. The primary focus of a comprehensive refugee policy should be protection, although, in view of the limited resources, innovative approaches were necessary in order to move towards cost-effective solutions to help as many people as possible. Norway had introduced the concept of temporary protection, in close consultation with UNHCR, as an integral part of its refugee policy. Temporary protection aimed to ensure basic legal standards on a non-discriminatory basis to its beneficiaries, while maintaining repatriation as its ultimate goal. Repatriation was indeed the best durable solution to refugee problems and the facilitation of repatriation was an important component of a comprehensive refugee policy. Norway supported UNHCR's efforts to obtain guarantees on safety for returnees.

88. Resettlement was an appropriate solution when all other means of protection had been exhausted. Norway had consistently reacted positively, in cooperation with its Nordic partners, to appeals from UNHCR for resettlement and looked forward to continuing its discussions with UNHCR on the tool of resettlement in a broader context. The complexity of comprehensive operations meant that better inter-agency cooperation and coordination were essential and Norway welcomed UNHCR's contribution to the inter-agency process coordinated by the Department of Humanitarian Affairs. He also emphasized the importance of implementing the Economic and Social Council's decision on the need to

review the capacity of the United Nations in the area of emergency humanitarian assistance, which also required the resources and commitment of non-governmental organizations, through the Partnership in Action process.

89. Lastly, the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women contained important provisions on refugee women and displaced women. The challenge now was to ensure that the calls for action were carried out. He welcomed the report on the Implementation of UNHCR's Policy and Guidelines on Refugee Children (EC/SC.2/78) and noted with appreciation the wide range of protection and assistance activities which were reflected in it and which Norway would continue to support strongly.

90. Ms. BAUTISTA (Philippines) welcomed the new members of the Executive Committee, the Russian Federation, Bangladesh and India, and thanked the High Commissioner for her statement. UNHCR had once again risen to meet the even more daunting challenges it faced and she paid particular tribute to those in the field who daily faced danger and insecurity.

91. Her delegation echoed the call for closer international cooperation and coordination of activities between United Nations agencies, international organizations and non-governmental partners in responding to humanitarian emergencies. It also supported the moves to delineate UNHCR's involvement in migratory movements other than those defined in the refugee conventions, as well as the emphasis on temporary protection as a necessary humanitarian response, with repatriation and return as the objective durable solution. Her delegation particularly supported UNHCR's efforts to integrate concern about sexual violence against women refugees into its programmes.

92. The Philippines was fully committed to the conclusion of the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA) by 31 December 1995. However, her delegation was concerned that CPA was far from being fully implemented and that large numbers of those found to be non-refugees remained in first asylum camps in the region, with dim prospects for their voluntary return by the deadline. In the Philippines, there were some 2,600 Vietnamese in the Philippines First Asylum Camp, as well as a further 400 who had been brought to the country for processing under the CPA Orderly Departure Programme, with the United States as the receiving State, and who had subsequently been found ineligible for final resettlement in the United States. She requested the international community's assistance in urging the receiving State and the country of origin to come up with an immediate solution to that problem.

93. Her delegation was pleased to hear that transitional arrangements were envisaged for those remaining in first asylum camps, in recognition of the difficulties encountered in concluding CPA successfully. Her delegation was also grateful to Japan for its plan to allocate US$ 10 million for Asia which should go a long way towards finally solving the CPA problem.

94. Her delegation was, however, not clear about the transitional arrangements that were envisaged and about the implications of the smooth conversion of the operation into a migration programme. In its view, the only viable solution for the Philippines was resettlement for the refugees and repatriation of those considered to be non-refugees. Local integration was

not a feasible solution for the Philippines and her delegation agreed with the position expressed by the United States that return home was the sole remaining option for those now in camps in South-East Asia who had been found not to qualify as refugees. Any transitional arrangement, pending the final conclusion of CPA, should fully involve the CPA members and UNHCR.

95. UNHCR had reported that the numbers of Vietnamese opting for voluntary return had decreased in 1994, a trend that was due to developments outside the competence of the countries of first asylum in the region. The countries concerned should assume full responsibility to ensure that commitments under CPA were fully met. CPA had shown the way for durable solutions for asylum-seekers elsewhere through innovative programmes, in particular the voluntary repatriation process. The success or failure of CPA was a measure of the success or failure of UNHCR and of the international community to find permanent solutions to that universal problem and would be keenly observed by countries of first asylum everywhere.

96. The Philippines had and would continue to live up to its commitments as a signatory to the international refugee conventions. She recalled that her country had been cited by UNHCR for its humanitarian response to the plight of the boat people and that it had also participated actively in the search for innovative solutions to the problem posed to countries of first asylum by the continued presence in their territories of non-refugees. It would continue to offer solutions and was preparing a proposal which was to be discussed by the CPA partners and whose effective implementation would nevertheless require international cooperation.

97. Mr. MOHAMMED (Nigeria) paid special tribute to the High Commissioner for Refugees for her exemplary concern for humanity and insuperable devotion to duty. She was a source of pride to women all over the world.

98. The previous 15 months had seen a dramatic increase in the number of refugees, which had been swollen by some 2 million as a result of the Rwanda genocide and the conflict in Burundi. The brunt of African refugee problems had been borne by the countries of asylum, which, despite their own poverty, had borne the enormous cost of harbouring refugees and deserved to be commended. The main concern at present was to address the humanitarian needs of the refugees and displaced persons so as to alleviate their suffering, while exploring lasting solutions in order to solve the root causes of refugee flows.

99. Recent events had suggested that traditionally hospitable States were becoming weary and had indicated that asylum States, particularly in Africa, required assistance to enable them to cope with their heavy burden. Refugees should not be discriminated against because they came from a region without strategic importance. There should be a fair and balanced approach to dealing with all refugees, regardless of their place of origin, and assistance to refugees in Africa should be commensurate with their number and needs.

100. The deteriorating conditions of refugees and the continuing increase in their numbers stemmed from internal political problems, abject poverty and underdevelopment. The root causes of refugee crises, including ethnic and racial intolerance and political persecution, had to be addressed, for,

otherwise, there could never be a durable solution to those crises. Efforts were being made in Africa to address the political conditions that produced refugees and the OAU had established a mechanism to prevent conflicts and build peace. However, that mechanism needed financial resources and international assistance if it were to succeed.

101. UNHCR's primary function was to provide international protection for refugees and displaced persons, involving the application of laws and humanitarian principles to guarantee and promote their rights, security and welfare. Protection for refugees should extend from their initial flight and encompass both the emergency and stabilization phases. His delegation commended States that had granted temporary asylum to many refugees, although it was concerned about the threat to the security of refugees in States of asylum and strongly supported the principle of non-refoulement and condemned the forced return of individuals at risk. Member States should continue to receive refugees and ensure their protection, in accordance with accepted international principles, and States' national laws and legislations should be in conformity with international humanitarian law.

102. His delegation was concerned about the constant armed attacks on refugee camps; such attacks were a gross violation of international law that should be addressed by the international community. The personal security of refugees was the responsibility of all and States should do everything in their power to provide effective physical protection for refugees and aid workers.

103. The structure for a lasting peace in Liberia had been erected in Abuja, Nigeria, in August 1995. The international community should assist in the repatriation of Liberian refugees and in the reconstruction of Liberia so as to enable peace to take root and endure. In addition to spending millions of dollars on maintaining peace in Liberia, Nigeria had given financial as well as material resources to the refugees who had sought asylum in Nigeria or in other African countries. Nigeria's National Commission for Refugees had spent approximately 5 million naira on meeting the needs of refugees and on enabling them to develop self-sufficiency in food. It had also sent a contribution of US$ 50,000 to the UNHCR Office in Geneva.

104. In view of the fact that women and children accounted for approximately 80 per cent of refugees, Nigeria intended to introduce a programme designed by Nigeria's first lady for the socio-economic advancement of women and the family. The Family Support Trust Fund would not only improve the economic well-being of refugee women, but also prepare them for resettlement in their own countries. Resources allocated for the education of refugee children were an investment in their future and should receive more attention from UNHCR.

105. Lastly, Nigeria acknowledged the valuable efforts of UNHCR and believed that it should be strengthened to enable it to increase its protection activities following voluntary repatriation.

The meeting rose at 1.10 p.m.